



COMMONWEALTH OF MASSACHUSETTS  
**Board of Registration**  
**of**  
**Hazardous Waste Site Cleanup Professionals**  
ONE WINTER STREET, 3rd Floor  
BOSTON, MA 02108

**MINUTES**  
**of**  
**BOARD MEETING**  
**Held on May 15, 2019**  
Approved: June 19, 2019

Meeting Location: Massachusetts Department of Environmental Protection  
Southeast Regional Office  
20 Riverside Drive  
Lakeville, MA 02347

Prepared by: Richard Friend

**List of Documents Used at the Meeting:**

1. Agenda
  2. Draft Minutes of Meeting held on April 24, 2019
  3. Renewal Dockets #1 and #2
  4. Massachusetts Appeals Court, *Revere Retirement Board vs. Attorney General*, Docket No. 17-P-1074 Memorandum and Order Pursuant to Rule 1:28
  5. Massachusetts Open Meeting Law Guide, Executive Session, at pp. 8-13
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1. **Call to Order:** Maria Pinaud called the meeting to order at approximately 1:44 p.m. Also present were David Austin, Dr. Gail Batchelder, Kirk Franklin, Debra Listernick, Gregg McBride, Farooq Siddique, and Marc Richards. Kathleen Campbell and James N. Smith were absent. Staff members present were Beverly Coles-Roby and Richard Friend. Also present were Wendy Rundle, Executive Director of the LSP Association (LSPA) and Michelle Paul, President Elect of the LSPA.
  2. **Announcements:** There were no announcements.
  3. **Agenda:** Ms. Coles-Roby stated that there were no changes to the agenda.
  4. **Minutes of Meeting Held on April 24, 2019:** The members present reviewed the draft minutes of the meeting held on April 24, 2019. Dr. Batchelder made a correction, under item 6A, she said MassDEP personnel, particularly emergency response personnel, can have decision-making responsibilities. Mr. Siddique disagreed and stated that emergency response personnel seldom act as principal decision makers. Ms. Pinaud indicated that the application was denied because the applicant did not have sufficient relevant professional experience.

**A motion was made and seconded to approve the April 24, 2019 minutes as amended. The motion passed unanimously.**

**5. Decisions re: Licensing of Applicants:**

**A. Vote on Application Review Panels:** The staff presented the following applications:

<b>ID #</b>	<b>Applicant Name/Company Name</b>	<b>ARP #</b>	<b>REC.</b>
8876	Saskia Oosting/GZA, GeoEnvironmental	302	A

<b>ID #</b>	<b>Applicant Name/Company Name</b>	<b>ARP #</b>	<b>REC.</b>
4650	Jesse Arroyo/Antea Group	303	A

Ms. Coles-Roby said that she contacted Ms. Saskia Oosting and two of her references, Ms. Leifer and Mr. Ash of GEI Consultants, to discuss similar wording in their written references for Ms. Oosting. At the April 24, 2019 Board meeting, the Board had tabled Ms. Oosting’s application until Ms. Coles-Roby could get clarification on the similar wording in the references. Ms. Leifer told Ms. Coles-Roby that GEI has written document standards which may have resulted in similar wording in her and Mr. Ash’s references. Ms. Leifer also told Ms. Coles-Roby that she and Mr. Ash did not see each other’s references or copy from each other. Mr. Ash stated to Ms. Coles-Roby that he uses and re-uses templates when preparing references, which may have resulted in their references having similar wording. Mr. Ash stated that he did not see the reference Ms. Leifer wrote on behalf of Ms. Oosting. He also stated that he thought Ms. Oosting was well qualified. Ms. Coles-Roby said that ARP #302 believed Ms. Oosting was well qualified and recommended approval of her application.

Ms. Coles-Roby said that ARP #303 recommended approval of Mr. Arroyo’s application. Mr. Siddique noted that Mr. Arroyo worked on relevant projects in New Hampshire, Massachusetts and Connecticut. Dr. Batchelder also noted that Mr. Arroyo’s references contained good language describing how his authority stayed the same while his responsibilities increased over time.

**A motion was made and seconded to accept the recommendation from ARP #302 that the application submitted by Ms. Oosting be approved and that she be found eligible to take the exam. The motion to accept the recommendation was approved unanimously. Mr. McBride abstained from voting to approve the applicant.**

**A motion was made and seconded to accept the recommendation from ARP #303 that the application submitted by Mr. Arroyo be approved and that he be found eligible to take the exam. The motion to accept the recommendation was approved unanimously. Ms. Listernick abstained from voting to approve the applicant.**

**B. Vote on Renewal Dockets:**

**Renewal Docket #1**

**Renewal Date: April 30, 2019**

**New Renewal Date: April 30, 2022**

Have completed all requirements for renewal:

	<b>LSP #</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	5877	Kenneth	E.	Lento

**A motion was made and seconded to renew the licenses of the LSPs on Renewal Docket #1 for the three-year period ending on the date indicated. The motion was approved unanimously.**

**Renewal Docket #2**

**Renewal Date: April 30, 2019**

**New Renewal Date: July 29, 2019**

Has requested a 90-day extension:

	<b>LSP #</b>	<b>First</b>	<b>Middle</b>	<b>Last</b>
1	4354	Christopher	E.	Gill
2	6643	Rosanne	M.	Joyce
3	1736	Daniel	W.	Folan
4	1259	James	K.	Sullivan

**A motion was made and seconded to approve the 90-day extension requests of the LSPs on Renewal Docket #2 for the period ending on the date indicated. The motion was approved unanimously.**

**6. Other Licensing-Related Matters:**

**A. Appeals Status Report:** There were no pending appeals.

**B. Annual Fee Report:** Ms. Coles-Roby said that six LSPs have not paid their Annual Fee and have been shut off from being able to submit documents to eDEP. They will receive a second letter from the LSP Board reminding them of the need to pay the Annual Fee.

**C. Total Number of Active LSPs:** Ms. Coles-Roby said that as of May 8, 2019, there were 485 active LSPs and one inactive LSP.

**D. Quarterly Fee Report:** Ms. Coles-Roby said that seven LSPs whose licenses expired on April 30, 2019 have not paid their Renewal Application fee, one of whom has also not paid the Annual Fee.

**7. Examination Report:**

**A. Exam Dates:** Ms. Coles-Roby said that two people are scheduled to take the LSP exam on June 5 and five on June 26, 2019. Two of the applicants scheduled to take the exam have taken the exam once before, and one has taken it twice. Ms. Coles-Roby said that she expects the two applicants approved at today's Board meeting to sign up for one of the two June dates. Ms. Coles-Roby also said that two approved applicants told her that they will take the exam when it is offered in November or December 2019.

Ms. Coles-Roby said that the exam software was purchased and that the Test Generator license is expected soon. She stated that the electronic exams may be ready in time for the June exam dates, and if not ready in June, she expects that it will be in place by November 2019.

**B. Exam Committee:** Ms. Coles-Roby stated that she will email Board members to set an August meeting date to develop a fourth iteration of the LSP exam. She noted that the next LSP exam will need to consider upcoming revisions to the Massachusetts Contingency Plan, although she expects fewer revisions than in 2014. Ms. Coles-Roby said that she does not expect the new exam to be ready in time for use in 2019. She also said that John Fitzgerald of MassDEP has indicated that he will serve on the Exam Committee.

**8. Continuing Education Committee:** Mr. Austin said that the Committee met earlier in the day and made the following course recommendations to the Board:

**Course Approval Requests:**

1. APEX: Course GSCI 221 *Minerology*, (12 Technical credits, August 27–December 12, 2019, Central Connecticut State University, New Britain, CT)  
Committee Recommendation: **Approve 12 Technical Credits**
2. AWMA: *Air and Waste Management Association's Annual Conference* (1/2 Technical credit per hour of attendance at conference, June 25-28, 2019, Quebec City Convention Center, Quebec City, Canada)  
Committee Recommendation: **Approve ½ Technical Credit per hour of attendance**
3. LSPA: *Asbestos in Soil: Hidden in Plain Sight* (1 Technical credit, June 13, 2019, 7:00 p.m.–8:00 p.m. Woburn Hilton Hotel, Woburn, MA)  
Committee Recommendation: **Approve 1 Technical Credit**

4. LSPA: *Environmental Law for LSPs: Part 1* (1 non-DEP Regulatory credit, spring or fall 2019, Western Massachusetts)

Committee Recommendation: **Approve 1 non-DEP Regulatory Credit**

5. LSPA: *Environmental Law for LSPs: Part 2* (1 non-DEP Regulatory credit, spring or fall 2019, Western Massachusetts)

Committee Recommendation: **Approve 1 non-DEP Regulatory Credit**

6. LSPA: *Environmental Law for LSPs: Part 3* (1 non-DEP Regulatory credit, spring or fall 2019, Western Massachusetts)

Committee Recommendation: **Approve 1 non-DEP Regulatory Credit**

7. Rutgers NJAES: *MPG Conference 2019* (½ Technical credit per hour attendance at conference and 1 Technical credit per hour attendance at workshops, October 7-9, 2019 Philadelphia, PA)

Committee Recommendation: **Approve ½ Technical Credit per hour of attendance**

8. NEWMOA: *Remedy Selection: Planning for Success & Lessons Learned* (5.5 Technical credits, May 7, 2019, 9:30 a.m. – 4:30 p.m. Danielson, CT; May 8, 2019, 9:30 a.m. – 4:30 p.m. Lowell, MA; June 26, 2019, 9:30 a.m. – 4:30 p.m. Lebanon, NH) (Course No. 1669).

Committee Recommendation: **Re-Approve Course No. 1669**

**A motion was made and seconded to accept the Continuing Education Committee's recommendations. The motion passed unanimously.**

9. **Professional Conduct Committee:** The Board agreed to forego a Professional Conduct Committee report because all the Board members present at this meeting were also present at the Professional Conduct Committee meeting held earlier in the day.

10. **Other Business:**

- A. **Public Records Request:** Ms. Coles-Roby said that redactions are complete on the March 5, 2019, Public Records request from attorney Ryan Mathews. Ms. Coles-Roby stated that she will create an invoice for time spent searching, segregating, and redacting the files. Dr. Batchelder stated that an invoice can be sent with the records. Ms. Pinaud stated that when MassDEP receives Public Records requests that are resource intensive, the agency provides a good faith estimate of the costs associated with searching and segregating the records. MassDEP produces the responsive documents only after receiving a response from the requestor.

- B. **Personnel, Budget and Fees:** Ms. Coles-Roby said that she has not yet conducted interviews for the Board's General Counsel position. Ms. Coles-Roby also said that Richard Johnson is no longer with the LSP Board, having completed a temporary

assignment. He has taken a position with MassDEP's Office of Diversity and Inclusion. As of May 13, 2019, Tania Baez is filling the position of Program Coordinator for the LSP Board. Ms. Coles-Roby said that the fiscal year 2020 budget will be the same as 2019.

**C. Proposed Regulation Amendments 309 CMR 2.00:** Ms. Coles-Roby said that the Regulations Committee met earlier in the day. Revisions to 309 CMR 2.00 are complete and she will compile all revisions for the August 2019 Board meeting.

**D. Discussion of G.L. c. 30A, § 18, Open Meeting Law—Definitions:** Ms. Coles-Roby reviewed the Open Meeting Law as it pertains to LSP Board meetings. She stated that under the Open Meeting Law, the Board's Quasi-Judicial Sessions are rightfully categorized as Executive Sessions. The Board can go into Executive Session to discuss litigation strategy for existing lawsuits but cannot discuss threatened lawsuits. By way of providing an example, Ms. Coles-Roby said that in the *Revere Retirement Board* case the Massachusetts Appeals Court found that the Board violated the Open Meeting Law when the members went into Executive Session to discuss a threatened lawsuit. Dr. Batchelder noted that the LSP Board already complies with this rule because the Board does not go into Quasi-Judicial sessions to discuss potential lawsuits. Ms. Coles-Roby also stated that the Open Meeting Law prohibits discussion of public contracts in Executive Session.

11. **Future Meetings:** The Board's next meeting will be held on June 19, 2019 in the Central Regional Office of MassDEP.

12. **Adjournment:** A motion was made and seconded to adjourn, and by unanimous roll-call vote, the Board meeting was adjourned at approximately 2:50 p.m.